

[redacted]
Assistant Attorney General

Director, FBI

49-17951-
HARRY W. KAMINSKY
INTERSTATE TRANSPORTATION
OF STOLEN PROPERTY

May 9, 1967

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Tackitt
1 - Mr. Gale
1 - Mr. Newpher
(Div. 9)

Reference is made to my letter dated February 8, 1967, in response to your letter of January 23, 1967 (your reference HW:WMA:bf 122-85-51).

This will confirm a discussion on May 5, 1967, between Rex I. Shroder of this Bureau and [redacted] General Crimes Section, concerning the filing of a motion on behalf of Kaminsky in United States District Court, Eastern District of Wisconsin, at Milwaukee, on May 2, 1967, for an order suppressing for use as evidence any and all information obtained by the use of electronic devices in the investigation of Kaminsky.

[redacted] was reminded that my letter of February 8, 1967, advised you that Kaminsky was never the subject of an electronic surveillance nor was he a participant in or present at conversations overheard by any electronic device installed by this Bureau. [redacted] was of the opinion that where there is negative information as to electronic surveillance such matters should be handled through the United States Attorney's Office. He recommended that in this case denial of electronic surveillance be made by letter from our Milwaukee Division to the United States Attorney's Office, Eastern District of Wisconsin. He also suggested that the denial of electronic surveillance be a general one as was furnished in my letter to you dated February 8, 1967, rather than being limited to our Milwaukee Office.

In accordance with [redacted] recommendations, our Milwaukee Division will furnish a letter to the United States Attorney, Eastern District of Wisconsin, containing a general denial of electronic surveillance of Kaminsky by this Bureau.

Tolson _____
DeLoach _____
Mohr _____
Wick _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

1 - Mr. [redacted]
Assistant Attorney General

1 - Bufile (62-313)

DFT:mkc

(10)

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12 1967

MAIL ROOM

TELETYPE UNIT

NOTE: See Robert to DeLoach memo, 5/8/67, DFT:blw.

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F B I

Date: 5/3/67

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Wick	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (87-86749)

FROM: SAC, MILWAUKEE (66-950)

SUBJECT: HARRY W. KAMINSKY
ITSP

J U N E

OO: Milwaukee

HARRY WILLIAM KAMINSKY, aka.
NBA
Bufile 49-17957

Enclosed for the Bureau are two Xerox copies each of a letter addressed to the District Court Clerk, EDW, Milwaukee, dated 5/1/67 from [redacted] Attorney at Law, [redacted] dated [redacted] Chicago, Illinois; a letter from [redacted] dated January 13, 1967 addressed to the Attorney General of the United States, Washington, D. C.; and a motion to suppress evidence filed in USDC, EDW, Milwaukee, on 5/2/67 by Attorney [redacted] on behalf of HARRY W. KAMINSKY.

On May 3, 1967, AUSA [redacted] EDW, Milwaukee, advised that on May 2, 1967, the office of [redacted] Milwaukee, received a Motion to Suppress Evidence in the case entitled, "U. S. vs. Auto Acceptance & Loan Corporation and HARRY W. KAMINSKY, No. 66-CR-117," based upon an allegation of electronic surveillance conducted by the FBI.

[redacted] further advised that on May 2, 1967, he addressed a letter to the Honorable [redacted] Assistant Attorney

3 - Bureau (87-86749) (Encs. 6) (AM-RM)
(1 - 49-17957) Attn: Section Chief T. J. McAndrews,
Division 9

1 - Milwaukee (66-950)
JDO:EF

(4)

Approved: _____

Special Agent in Charge

Sent _____

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ORIGINAL FILED IN 57-10-15

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MAY 3 1967

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

MI 66-950

General, Criminal Division, U. S. Department of Justice, Washington, D. C., apprising [redacted] of the Motion to Suppress Evidence filed on behalf of the defendant by his attorney, [redacted] and requesting that the Department advise him "of the existence, if any, of the use of electronic eavesdropping devices, etc. in the investigation by the FBI in the affairs of HARRY KAMINSKY."

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[redacted] further stated that a copy of his letter has also been directed to [redacted] Assistant Attorney General, Internal Security Division, U. S. Department of Justice, Washington, D. C., and to the SAC, Milwaukee.

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It is noted the Motion to Suppress Evidence states in part that one or more of the Agents of the FBI who were assigned to the investigation of this case (KAMINSKY) testified in Springfield, Illinois, in the case of the U. S. vs. BALISTRERI, No. 65-CR-9, and admitted using electronic eavesdropping devices in the Milwaukee area, etc.

For the information of the Bureau, SA [redacted] was the only Special Agent of the Milwaukee Office who testified in the FRANK PETER BALISTRERI federal income tax trial held in USDC, Springfield, Illinois. The testimony of SA [redacted] was heard before the court on 11/3/66. It is noted, however, that SA [redacted] was a participant in pre-trial conferences held in Springfield, Illinois with USA JAMES B. BRENNAN, AUSA [redacted] both EDW, Milwaukee, and [redacted] attorney, Tax Division of the Department, but at no time testified at the pre-trial or trial proceedings. It is further noted that SA [redacted] conducted a substantial part of the investigation in the following cases: "HARRY W. KAMINSKY; ITSP"- OO: Milwaukee, MI 87-7486, Bufile 87-86749, and "HARRY WILLIAM KAMINSKY, aka.; NBA" - OO: Milwaukee, MI 49-538, Bufile 49-17957. Both of these cases are pending court action in the USDC, EDW, Milwaukee.

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Approved: _____
Special Agent in Charge

Sent _____ M Per _____

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

MI 66-950

For the additional information of the Bureau:

- 1) HARRY W. KAMINSKY has never been the subject of an electronic surveillance conducted by the Milwaukee Office.
- 2) KAMINSKY has never been present at or a participant in any conversation overheard by electronic surveillances conducted by the Milwaukee Office.
- 3) A search of the special indices of the Milwaukee Office relating to electronic surveillances in criminal and security cases conducted by the Milwaukee Office reflects the following:
On 6/16/64, MI 648-C* [REDACTED]

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[REDACTED]

Milwaukee indices contain no information identifiable with the Apache Company.

MI 648-C* is identified as a misur [REDACTED]

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[REDACTED]

The Milwaukee indices contain no information identifiable with Attorney [REDACTED] Chicago, Illinois, who represents KAMINSKY in this matter.

Due to the fact that AUSA [REDACTED] is furnishing the SAC, Milwaukee, with a copy of the letter dated 5/2/67, addressed to Assistant Attorney General [REDACTED], the Milwaukee Office will furnish Mr. [REDACTED] with a letter stating that the Milwaukee Office has never conducted an electronic surveillance on HARRY W. KAMINSKY. This

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- 3 -

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

MI 66-950

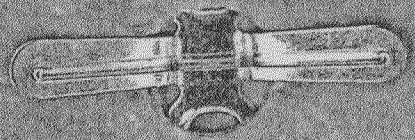
letter will be sent to Mr. [REDACTED] by 5/11/67 UACB.

Milwaukee will follow this matter with USA, EDW, Milwaukee,
and the Bureau will be kept advised.b6
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Approved: _____
Special Agent in Charge

Sent _____ M Per _____



49-17957-

ENCLOSURE

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CROWLEY, BARNETT & GOSCHI

ATTORNEYS AT LAW
135 SOUTH LA SALLE STREET
CHICAGO 3, ILLINOIS

GEORGE D. CROWLEY
WILLIAM A. BARNETT
NICHOLAS P. GOSCHI

FRANKLIN 2-3211

GERALD C. RISNER

May 1, 1967

[Redacted]

District Court Clerk
United States District Court
For the Eastern District of Wisconsin
Federal Building
Milwaukee, Wisconsin

Dear [Redacted]

Re: United States v. Auto Acceptance
& Loan Corp. and Harry W. Kaminsky
No. 66 CR 117

There are enclosed herewith an original and two carbon
copies of a Motion to Suppress Evidence. Will you kindly file
these with the Court.

I have today forwarded a copy of this Motion to the
United States Attorney, at Milwaukee.

Very truly yours,

CROWLEY, BARNETT & GOSCHI

By [Redacted]

GDC/c

cc: Mr. James B. Brennan, ✓
United States Attorney

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MAY 2 1967

United States Attorney
Eastern District of Wisconsin

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CROWLEY, BARNETT & GOSCHI

ATTORNEYS AT LAW

135 SOUTH LA SALLE STREET

CHICAGO 3, ILLINOIS

GEORGE D. CROWLEY
WILLIAM A. BARNETT
NICHOLAS P. GOSCHI

GERALD C. RISNER

FRANKLIN 2-3211

January 13, 1967

Attorney General of the United States
Department of Justice
Washington 25, D. C.

Sir:

Re: In the District Court of the United States
For the Eastern District of Wisconsin

United States v. Harry W. Kaminsky
No. 66 CR 117

I represent the above-named defendant in a criminal action pending before the District Court in the Eastern District of Wisconsin at Milwaukee. I am acquainted with the hearings that were conducted at Springfield, Illinois, in the case of United States v. Balistreri, 55 CR 9, originally assigned to the United States District Court for the Eastern District of Wisconsin, said hearings being held before Judge Omer Poon upon transfer to the Southern District of Illinois. These hearings disclosed extensive use by the Federal Bureau of Investigation of electronic eavesdropping devices, illegal trespasses, and other conduct which would substantially affect the ability of the Department of Justice to present to a District Court a clean, untainted case.

I know that some of the Agents engaged in the aforesaid activities in the aforementioned case are the same as some of those engaged in the investigation of the subject case. Inasmuch as this case concerns alleged interstate crime, it might well be that activities similar in nature had been engaged in by Agents of the Chicago Office of the Federal Bureau of Investigation.

Attorney General
of the United States

January 13, 1967

I respectfully call upon your office to make a diligent investigation to ascertain whether any of these practices have been engaged in by the Federal Bureau of Investigation while investigating Harry W. Kaminaky, either on their own or in conjunction with the respective local telephone companies and/or its agents.

The time within which I am required to file preliminary motions expires on March 1, 1967. I shall appreciate your early advice so that the ends of justice may be served.

Respectfully,

CROWLEY, BARNETT & GOSCHI

By

GDC/c

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

NO. 66 CR 117

-vs-

AUTO ACCEPTANCE & LOAN
CORPORATION, a Wisconsin
corporation, and
HARRY W. KAMINSKY,

Defendants.

MOTION
TO SUPPRESS EVIDENCE

NOW COMES HARRY W. KAMINSKY, by his attorney,

and moves the Court for an order

suppressing for use as evidence any and all information, knowledge or conversations and leads emanating therefrom, which were overheard, learned of or recorded in any manner by the use of electronic eavesdropping devices, telephone taps or other recording devices, in the investigation of all matters relating to this case.

In support thereof, the defendant asserts one or more of the Agents of the Federal Bureau of Investigation, who were assigned to the investigation of this case, testified in Springfield, Illinois, in the case of the United States v. Ballistreri, No. 65 CR 9, and admitted using electronic eavesdropping devices in the Milwaukee area and in addition a Special Agent of the Internal Revenue Service, in testimony before this Court in the same cause, admitted surreptitious surveillance.

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On January 13, 1967, counsel wrote to the Attorney General of the United States asking that information concerning these practices be made available (a copy of this letter is attached as Exhibit A), and a response from the Department of Justice, dated January 23, 1967, assuring counsel that any relevant information developed will be brought to the attention of the appropriate Court (a copy of this letter is attached as Exhibit B).

WHEREFORE, it is requested that this Court hold a hearing and require the Department of Justice or other investigating agencies of the United States to bring forth evidence of any use of electronic eavesdropping or recording devices or any other means of surreptitious surveillance in the investigation of this case and of the parties as well as counsel involved in order that this Court might determine whether such evidence and any information, knowledge or leads originating from such information should be suppressed.

HARRY W. KAMINSKY

By /S/

Attorney for Harry W. Kaminsky

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Department of Justice
Washington 20530

January 23, 1967.

[REDACTED]
Crowley, Barnett & Goschi
138 S. LaSalle Street
Chicago, Illinois

Re: United States v. Harry W. Kaminsky

Dear [REDACTED]

The Acting Attorney General has referred to me your letter of January 13, 1967, regarding the above case. In accord with the supplemental memorandum filed by the United States in [REDACTED] v. United States, No. 504 O.T. 1966, you may be assured that any relevant information developed will be brought to the attention of the appropriate court.

Sincerely,

[REDACTED]
Assistant Attorney General

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